

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2015**

***ROUGH DRAFT  
JOURNAL***

**TENTH DAY**

**FEBRUARY 5, 2015**

**OFFICE OF THE CHIEF CLERK**

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## TENTH DAY

Thursday, February 5, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:04 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Cindy Evans, after which the Roll was called showing all Members present with the exception of Representatives Ing, LoPresti and San Buenaventura, who were excused.

At 12:08 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:08 o'clock p.m.

On motion by Representative Evans, seconded by Representative Tupola and carried, reading of the Journal was dispensed with and the Journals of the First, Second and Third Days were approved. (Representatives Ing, LoPresti, Nishimoto, San Buenaventura, Say and Tokioka were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 174 through 196) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 174, dated January 30, 2015, transmitting the Annual Report on Goals and Objectives of the Department of the Attorney General, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 175, dated January 30, 2015, transmitting the Department of Human Services, Social Services Division, Final Report, pursuant to HCR 118, HD1 (2013).

Gov. Msg. No. 176, dated January 30, 2015, transmitting the Employees' Retirement System report on Direct Holdings in Sudan Scrutinized Companies, prepared by the Employees' Retirement System pursuant to Act 192, Section 5, SLH 2007.

Gov. Msg. No. 177, dated January 30, 2015, transmitting the Employees' Retirement System report on its Hawaii Venture Capital Investment Program, prepared by the Employees' Retirement System pursuant to Act 260, SLH 2007.

Gov. Msg. No. 178, dated January 30, 2015, transmitting the Department of Human Services Spouse and Child Abuse Special Account Report, pursuant to Section 346-7.5, HRS.

Gov. Msg. No. 179, dated January 30, 2015, transmitting the Crime Victim Compensation Commission Annual Report for Fiscal Year 2013-2014, prepared by the Department of Public Safety pursuant to Section 351-70, HRS.

Gov. Msg. No. 180, dated January 30, 2015, transmitting the Office of Language Access Annual Report, prepared by the Department of Health pursuant to Section 321C-6, HRS.

Gov. Msg. No. 181, dated January 30, 2015, transmitting the Annual Report on Solid Waste Management, prepared by the Department of Health pursuant to Section 342G-15, HRS.

Gov. Msg. No. 182, dated January 30, 2015, transmitting the Annual Report Relating to MH-1s and Hospitalizations of Persons who are under an Order to Treat, prepared by the Department of Health pursuant to Section 334-123, HRS.

Gov. Msg. No. 183, dated January 30, 2015, transmitting the Department of Health's State Water Pollution Control Revolving Fund, pursuant to Section 342D-82, HRS.

Gov. Msg. No. 184, dated January 30, 2015, transmitting the Developmental Disability Division Task Force's Review of Hawaii's Statutory Definitions of Developmental Disabilities, prepared by the Department of Health pursuant to HCR 17 (2014).

Gov. Msg. No. 185, dated January 30, 2015, transmitting the Statewide Mobility Management Report, prepared by the Department of Health pursuant to Section 349, HRS.

Gov. Msg. No. 186, dated January 30, 2015, transmitting the Initiatives and Improvements in the Kalaupapa Settlement and Patient and Non-Patient Costs Report, prepared by the Department of Health pursuant to Section 326-25.5, HRS.

Gov. Msg. No. 187, dated January 30, 2015, transmitting the Annual Report on Dental Activities, Expenditures, and Recommendations, prepared by the Department of Health pursuant to Section 321-63, HRS.

Gov. Msg. No. 188, dated January 30, 2015, transmitting the Annual Evaluation Report on Elder Programs, prepared by the Department of Health pursuant to Section 349-5(b)(2), HRS.

Gov. Msg. No. 189, dated January 30, 2015, transmitting the State Council on Mental Health Annual Report on Implementation of the State Plan, prepared by the Department of Health pursuant to Section 334-10(e), HRS.

Gov. Msg. No. 190, dated January 30, 2015, transmitting the Annual Data Report on Forensic Patients at the Hawaii State Hospital, prepared by the Department of Health pursuant to Section 334-16, HRS.

Gov. Msg. No. 191, dated January 30, 2015, transmitting the Mental Health and Substance Abuse Special Fund Annual Report, prepared by the Department of Health pursuant to Section 334-15, HRS.

Gov. Msg. No. 192, dated January 30, 2015, transmitting the Administratively Established Appropriations Annual Report, prepared by the Department of Agriculture pursuant to Act 178, SLH 2002.

Gov. Msg. No. 193, dated January 30, 2015, transmitting the Ways to Reduce Incidents of Sepsis and Sepsis Death in the State Report, prepared by the Department of Health pursuant to HCR 202, SD1 (2014).

Gov. Msg. No. 194, dated January 30, 2015, transmitting the Department of Agriculture's Annual Report, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 195, dated January 30, 2015, transmitting the Department of Taxation's 2012 Tax Credits Report, pursuant to Section 231-3.4(a), HRS.

Gov. Msg. No. 196, dated January 30, 2015, transmitting the Department of Taxation's 2012 Hawaii Individual Income Tax Statistics Report, pursuant to Section 231-3.4(a), HRS.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 35, 36, and 61 through 64) were received by the Clerk and were placed on file:

Dept. Com. No. 35, from the County of Hawai'i Police Department, dated January 2, 2015, transmitting Report Concerning Electric Guns and Their Use, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 36, from the County of Maui Police Department, dated January 5, 2015, transmitting Report Concerning Electric Guns and Their Use, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 61, from the Honolulu Police Department, dated January 29, 2015, transmitting the 2014 Annual Report, pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 62, from the Honolulu Police Department, dated January 29, 2015, transmitting the report to the Legislature concerning electric guns in the custody and control of the Honolulu Police Department and their use during the past year, from December 1, 2013, through December 31, 2014, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 63, from the University of Hawaii, dated January 30, 2015, transmitting the Report on the University of Hawaii's at Manoa John A. Burns School of Medicine Detailed Financial Plan to Fund the Operating Expenses, pursuant to Act 2, SLH 2012.

Dept. Com. No. 64, from the Office of the Auditor, dated February 3, 2015, transmitting the FY 2014 Financial Statement Audit Reports for: Hawaii's Employer-Union Health Benefits Trust Fund; Hawaii's Housing Finance and Development Corporation; and Stadium Authority; as well as the financial statement audit report for the Employees' Retirement System of the State of Hawaii for FY 2013.

### KA HUA 'ŌLELO O KA LĀ HAWAIIAN WORD FOR THE DAY

Representative Tupola presented *Ka Hua 'Ōlelo O Ka Lā*, the Hawaiian Word for the Day, as follows:

"Thank you, Mr. Speaker. *Mahalo iā ke ke'ena o Representative Kaniela Ing no kamanawa kūpono i ka'analike ka hua 'ōlelo i kēia lā.*

"*He no'ono'o hana ka hua 'ōlelo kēia lā. E ho'omaika'i i nei ka pae 'āina me ka no'ono'o hana a laila ka hana. Pono mākou e ho'oma'ama'a nā hua 'ōlelo a laila hiki ke mākou wala'au i ke kahi ke kahi ma ka 'ōlelo Hawai'i.*

Thank you to Representative Ing's Office for giving me this opportunity. The word of the day is creativity, *no'ono'o hana*. And the sentence that I shared was, 'improve the state with creativity and then action.' Thank you."

### INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Evans introduced former Chief Justice of the Philippines, Hilario Davide, Jr.; his wife, Virginia Davide; and granddaughter, Patricia Davide.

### ORDER OF THE DAY

#### REPORTS OF STANDING COMMITTEES

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 3) recommending that H.B. No. 927 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 927, entitled: "A BILL FOR AN ACT RELATING TO ON-BILL PROGRAMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 4)

recommending that H.B. No. 775, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 775, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Higher Education, with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 5) recommending that H.B. No. 536, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 536, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative McDermott rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this matter. While I support the intent of the measure, I believe it's certainly an unfunded mandate that will cost businesses money and add a burden onto these contractors who do business with the government, and thereby increase the cost of these contracts. One item alone is not going to tip the scale, but it's the myriad of these things we do year after year and the balances of reports, at some point it becomes untenable.

"The second issue was, I would have an issue with the privacy concerns of putting all my employee's wages and what I'm paying them into another government agency. We already do that with reporting their income tax, well now here's another government agency that's going to have access to what my employees are being paid.

"I haven't read the bill yet, but is there any measures in there that require the company to set up certain procedures so that data cannot be shared with other employees? For instance, if I'm a bricklayer and Bill's a bricklayer, but I'm making \$3 more an hour than Bill, by the way, my name's Frank, and Bill finds out that Frank's making \$3 an hour more, you're going to have morale problems in that organization.

"So for those reasons, I have reservations. That said, I certainly support the intent and being in the private sector I don't know anybody who doesn't pay for talent. At least that's the universe I travel in. Perhaps there are some disreputable people out there, but good people get found and snatched up and get paid top dollar. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 536, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative McDermott voting aye with reservations, and with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 6) recommending that H.B. No. 142, as amended in HD 1, pass Second Reading and be referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs, with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 7) recommending that H.B. No. 829, as

amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Water & Land, with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 8) recommending that H.B. No. 932, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 932, HD 1 pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 932, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Rhoads voting aye with reservations, and with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 9) recommending that H.B. No. 678 pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 678, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Education, with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 10) recommending that H.B. No. 1465 pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1465 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support with a brief caveat. Mr. Speaker, this is a good bill, we show how frugal we are compared to the Senate, *etcetera*, except it shows where we're really frugal in terms of transparency and openness for the public to see what we do. I'm specifically pointing to the line item where we have a contractor to show the public what we're doing, what we're saying, and we're still rather picayune about our broadcasting funds.

"You know the vision of some of us is to have a C-SPAN, where everything we say in every committee is broadcast, whether you want it or not, it's there. Now it's only select committees like 'the Right to Farm' was in the Agriculture Committee today. It was a very important one to film, but some of these other things that people find out surprisingly late, if we had more coverage and more money to cover them, they could get more man power, they could get more equipment. So the vision lives, but the budget does not allow for that. So C-SPAN is the ideal, this gives us still a rather select hearing with the public. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1465, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 11) recommending that H.B. No. 930 pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 930 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, in an abundance of caution, I'd like to ask for a ruling on a potential conflict. My wife works for the Governor," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 930, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OFFICE OF THE GOVERNOR," passed Second Reading and was placed on the calendar for Third Reading, and with Representatives Ing, LoPresti, San Buenaventura and Tokioka being excused.

## INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 12 and 13) and concurrent resolutions (H.C.R. Nos. 30 and 31) were referred to Printing and further action was deferred:

H.R. No. 12, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO THE LOW- AND MODERATE-INCOME," was jointly offered by Representatives Rhoads, Mizuno and Saiki.

H.R. No. 13, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AMENDMENTS TO THE AIRLINE DEREGULATION ACT TO EXEMPT HAWAII FROM THE UNITED STATES' PREEMPTION OF STATE ECONOMIC REGULATION OF INTERSTATE AIR TRANSPORTATION," was jointly offered by Representatives Lowen, Lee, McKelvey, Morikawa, Nishimoto and Woodson.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO THE LOW- AND MODERATE-INCOME," was jointly offered by Representatives Rhoads and Mizuno.

H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AMENDMENTS TO THE AIRLINE DEREGULATION ACT TO EXEMPT HAWAII FROM THE UNITED STATES' PREEMPTION OF STATE ECONOMIC REGULATION OF INTERSTATE AIR TRANSPORTATION," was jointly offered by Representatives Lowen, Lee, McKelvey, Morikawa, Nishimoto, Woodson and Nakashima.

**ADJOURNMENT**

At 12:18 o'clock p.m., on motion by Representative Evans, seconded by Representative Tupola and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 6, 2015. (Representatives Ing, LoPresti, San Buenaventura and Tokioka were excused.)